

# Rating The Provinces And Territories: The 2006 Report Card

A Comprehensive Review of Provincial and Territorial Impaired Driving Laws

Manitoba	A-
Ontario	B
Newfoundland and Labrador	B-
Alberta	B-
Saskatchewan	B-
Northwest Territories	B-
Yukon	C+
British Columbia	C+
Quebec	C
Prince Edward Island	D+
Nova Scotia	D+
New Brunswick	D
Nunavut	F



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Mothers Against Drunk Driving™  
Les mères contre l'alcool au volant™

# **Rating The Provinces And Territories: The 2006 Report Card**

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## EXECUTIVE SUMMARY

- MADD Canada has released this comprehensive study to provide the provinces and territories with information on realistic and effective measures that will reduce impaired driving in their jurisdiction. *Rating The Provinces And Territories: The 2006 Report Card* serves as the basis for MADD Canada's ongoing discussions with the provincial and territorial governments on the critical role that they can play in reducing impaired driving.
  - A legislative summary was prepared for each province and territory. The summaries examined four subject areas: licensing; police enforcement powers; licence suspensions and revocations; and vehicle sanctions and remedial programs.
  - Jurisdictions were rated against *The 2006 Rating Scale*. It was based on the comprehensive review of the traffic safety research undertaken in preparing three recent MADD Canada documents, namely: *The 2003 MADD Canada Model*; *Youth and Impaired Driving in Canada: Opportunities for Progress*; and *Alcohol, Trauma and Impaired Driving, 3rd ed.* All three background documents have been published and are also available on MADD Canada's website.
  - *The 2006 Rating Scale* identified traffic safety measures that hold the greatest promise for substantial reductions in impaired driving. It also served as the basis for the assessments of the provincial and territorial legislative summaries that were conducted by two independent traffic safety research experts.
  - As in the past, *The 2006 Rating Scale* reflects the following underlying principles:
    - Obtaining and holding a licence is a privilege and not a right;
    - Traffic authorities must be empowered to take action to prevent tragedies, not just react after the event by sanctioning those responsible;
    - The police need broader investigatory authority to efficiently detect impaired drivers and obtain admissible evidence;
    - Administrative proceedings are far more expedient, efficient and inexpensive than penal sanctions, and more appropriate for the regulatory issues relating to the licensing of drivers, vehicle sanctions and remedial programs; and
    - Public safety should be given the highest priority in framing provincial and territorial impaired driving legislation.
  - Consistent with the expressed preference of most of the provinces and territories, MADD Canada has narrowed the scope of *The 2006 Report Card* relative to its 2000 and 2003 counterpart. In selecting the five core elements of *The 2006 Rating Scale*, priority was given to measures that will garner the greatest public support and have the most significant impact in reducing impaired driving crashes. The five core elements are outlined below:
-

- a comprehensive graduated licensing program for all new drivers, including express police powers to enforce it;
  - a .00% BAC limit for all drivers under 21 or with less than five years driving experience;
  - express police powers to stop vehicles, establish sobriety checkpoints, and demand Standard Field Sobriety Testing from suspected alcohol and/or drug-impaired drivers;
  - a strengthening of the existing short-term roadside licence suspension programs for drivers with BACs of .05% or higher to include a 7-14 day licence suspension, a \$150-\$300 licence reinstatement fee, the recording of the suspension on the driver's record, and mandatory remedial measures for repeat violations; and
  - mandatory alcohol interlock, vehicle impoundment and forfeiture, and remedial programs.
- MADD Canada is generally pleased with the progress that has been made since 2003, and this is reflected in the fact that a majority of jurisdictions were awarded at least marginally higher grades in 2006 than in 2003. Almost all of the provinces and territories have introduced some measures to strengthen their impaired driving legislation since *The 2003 Report Card*. However, while some jurisdictions have made major strides, others have done relatively little.
  - Manitoba has again led the way in introducing important legislative reforms, and Newfoundland and Labrador, the Northwest Territories and Alberta have also made significant progress.
  - In contrast, Nova Scotia and Québec have fallen sharply in the rankings, and New Brunswick, Nunavut and Prince Edward Island have made little progress from their poor showing in 2003.
  - In the seven years since MADD Canada initiated this project, considerable progress has been made with respect to graduated licensing programs, provincial suspensions for federal impaired driving offences, and alcohol interlock, vehicle impoundment and remedial programs. On the other hand, the lack of progress in regard to police enforcement powers has been disappointing.
  - The provincial and territorial legislative summaries incorporated all relevant statutes and regulations, legislation that had been enacted but not yet proclaimed in force, and related information on government websites. We also took into account any pertinent administrative practices or policies that government officials brought to our attention prior to August 24, 2006.
  - Despite the considerable legislative improvements that some jurisdictions have made, impaired traffic deaths are rising in Canada. This troubling trend, coupled with the expected increase in young inexperienced drivers on our roads, highlights the need for continued strengthening of the provincial and territorial laws.

- The following chart summarizes the overall performance of the provinces and territories in 2006 and their ranking and grade from the previous comprehensive reviews. For a more detailed discussion of each jurisdiction's 2006 ranking and grade, readers are encouraged to review the individual provincial and territorial summaries which start on page 20 of this report.

**CHART I: OVERALL RANKINGS AND GRADES**

JURISDICTION	RANKINGS AND GRADES					
	2006		2003		2000	
<b>Manitoba</b>	1st	A-	1st	B	4th	C
<b>Ontario</b>	2nd	B	2nd	B	1st	C+
<b>Newfoundland and Labrador</b>	3rd	B-	9th	D+	10th	D+
<b>Alberta</b>	4th	B-	7th	C-	6th	C-
<b>Saskatchewan</b>	5th	B-	4th	C	5th	C-
<b>Northwest Territories</b>	6th	B-	12th	D-	12th	F
<b>Yukon</b>	7th	C+	6th	C-	9th	D+
<b>British Columbia</b>	8th	C+	8th	D+	2nd	C+
<b>Québec</b>	9th	C	3rd	C+	7th	C-
<b>Prince Edward Island</b>	10th	D+	11th	D+	8th	D+
<b>Nova Scotia</b>	11th	D+	5th	C	3rd	C
<b>New Brunswick</b>	12th	D	10th	D+	11th	D
<b>Nunavut</b>	13th	F	13th	F	N/A	N/A

# INTRODUCTION

*Rating The Provinces And Territories: The 2006 Report Card* is intended to provide the basis for an ongoing dialogue with the provinces and territories on impaired driving legislation. When MADD Canada first began reviewing the Canadian literature in the late 1990s, it recognized that no single document summarized the relevant provincial and territorial legislation. Therefore, a key objective of this project has been to provide a written review of the current legislation in each jurisdiction. To this end, the research team created a separate legislative summary of the relevant traffic provisions in each province and territory in 2000, 2003 and now in 2006.

Each government received a draft copy of their jurisdiction's 2006 legislative summary for comments before the final copy was prepared. A written reply was prepared addressing all of the comments provided by each jurisdiction and, where appropriate, the draft summaries were revised.

In order to provide a benchmark for the current assessment, we created *The 2006 Rating Scale*. It was largely based on the review of the traffic safety research undertaken in preparing *The 2003 MADD Canada Model*. A copy of that comprehensive document, which was part of the *Rating The Provinces And Territories* study in 2003, has previously been provided to officials in each jurisdiction. *The 2006 Rating Scale* also draws upon the research in MADD Canada's recently-published study *Youth and Impaired Driving in Canada: Opportunities for Progress*. Finally, *The 2006 Rating Scale* reflects the statistical information in MADD Canada's recently-published study *Alcohol, Trauma and Impaired Driving, 3rd ed.* All three background documents are available on MADD Canada's website.

As in 2000 and 2003, MADD Canada contracted with two of Canada's leading traffic safety researchers to independently assess the provincial and territorial legislative summaries against *The 2006 Rating Scale*. The rankings and grades in *The 2006 Report Card* are based on these assessments.

*The 2006 Report Card* is the third comprehensive review of the provincial and territorial legislation that MADD Canada has undertaken in the last seven years. *The 2006 Report Card* focuses on fewer issues than the 2000 or 2003 studies. Almost all of the provinces and territories have expressed a preference to focus their legislative efforts on a narrower range of traffic safety issues than MADD Canada had reviewed in 2000 and 2003. The core elements of *The 2006 Rating Scale* are outlined below:

- a comprehensive graduated licensing program for all new drivers, including express police powers to enforce it;
- a .00% BAC limit for all drivers under 21 or with less than five years driving experience;

- express police powers to stop vehicles, establish sobriety checkpoints, and demand field sobriety testing from suspected alcohol and/or drug-impaired drivers;
- a strengthening of the existing short-term roadside licence suspension programs for drivers with BACs of .05% or higher to include a 7-14 day licence suspension, a \$150-\$300 licence reinstatement fee, the recording of the suspension on the driver's record, and mandatory remedial measures for repeat violations; and
- mandatory alcohol interlock, vehicle impoundment and forfeiture, and remedial programs.

As in 2003, the 2006 legislative summaries and rating scale are divided into four sections: licensing; police enforcement powers; licence suspensions and revocations; and vehicle and remedial programs. Our review is limited to the provincial and territorial legislation. Other government initiatives, such as anti-impaired driving campaigns and the resources committed to apprehending and prosecuting offenders, are not factored into the analysis. Also, statistical information on alcohol consumption, impaired driving injuries and deaths, and criminal convictions are not considered in the rating process.

Based on the legislative summaries, rating scale and the reports of the independent assessors, MADD Canada has prepared an individualized legislative reform agenda for each jurisdiction. These reform agendas are quite detailed and are not included in this document. Rather, the reform agendas are part of a longer jurisdiction-specific report that has been prepared for each province and territory. MADD Canada will be contacting government officials in each jurisdiction to arrange a meeting to discuss their individual provincial or territorial report and to offer support in implementing the proposed legislative agenda.

## A MESSAGE FROM MADD CANADA'S NATIONAL PRESIDENT

MADD Canada is a grassroots, volunteer organization that is dedicated to both saving lives by minimizing impaired driving and assisting the victims of this crime. One of the ways in which we can fulfill our mission is by advocating for comprehensive reform of the federal and provincial impaired driving laws.

In the winter of 2001, MADD Canada introduced its federal reform agenda, *Taking Back Our Roads: A Strategy to Eliminate Impaired Driving in Canada*. While a great deal of work has been, and remains to be, done at the federal level, the *Rating the Provinces* project addresses what the provincial and territorial governments can do to reduce impaired driving within their jurisdictions. The provinces and territories should not wait for federal *Criminal Code* amendments when they have the legislative power to significantly improve the situation.



*The 2006 Report Card* is the third comprehensive assessment of the provincial and territorial legislation that MADD Canada has undertaken since 2000. We are generally pleased with the progress that the provinces and territories have made since our initial report in 2000. Many of our recommendations have been implemented, particularly with respect to graduated licensing, provincial licence suspensions for federal impaired driving offences, and alcohol interlock, vehicle impoundment and remedial programs. Unfortunately, relatively little progress has been made in other areas, such as strengthening police powers.

Most provinces and territories have embraced this initiative, established a good working relationship with MADD Canada and introduced at least some measures to strengthen their impaired driving legislation. Nevertheless, while some jurisdictions have made major strides, others have done relatively little.

MADD Canada's *Rating The Provinces And Territories* project is based on ongoing, comprehensive reviews of the traffic safety research from Canada and abroad. Consistent with this research, MADD Canada advocates for realistic and achievable

changes based on the best current practices from Canada and abroad. The proposed reforms also reflect the unique legislative and constitutional framework currently governing impaired driving in Canada. Finally, MADD Canada's recommendations are drafted to be consistent with the requirements of the *Canadian Charter of Rights and Freedoms*. However, perhaps the most striking feature of MADD Canada's approach is the unequivocal priority it gives to reducing impaired driving crashes, injuries and deaths. In our view, the human and financial costs of impaired driving more than justify this emphasis.

MADD Canada has not produced *The 2006 Report Card* simply for the purpose of ranking and grading the provinces and territories. The goal from the outset has been to identify measures that the provinces and territories can adopt to reduce alcohol and/or drug-related deaths on our roads. MADD Canada seeks to strengthen the positive relationships that it has with many of the provinces and territories, and to establish a productive dialogue with the remaining jurisdictions. We are far less concerned about a jurisdiction's current rating than with the prospect of working with each government to create a safer future.

When we launched the initiative in 2000, alcohol-related traffic deaths were falling and more dramatic improvements appeared to be within reach. Sadly, our optimism has proven to be misplaced. Despite the best efforts of MADD Canada and others, alcohol-related traffic deaths have been rising in Canada. Impaired driving remains the single largest criminal cause of death in Canada, claiming more than twice as many lives per year as all types of homicide combined. In 2003, it was estimated that alcohol and/or drugs were involved in over 1,250 traffic fatalities, 74,100 injuries and 161,250 property-damage-only collisions. The financial and social costs of these losses were estimated to be as high as \$10.95 billion.

Unfortunately, impaired driving takes a disproportionate toll among young Canadians. For example, 16-25 year olds constituted only 13.7% of the Canadian population in 2003, but accounted for 32.1% of the alcohol-related traffic fatalities. Moreover, the number of young, inexperienced drivers on our roads is expected to rise until 2011. As well, rates of binge drinking, and driving after drug use are increasing among young people, an already extremely high-risk population. Consequently, comprehensive provincial and territorial reforms are essential if we are to achieve the even modest goal of preventing further increases in impaired driving deaths. The status quo is simply unacceptable.

It is with this sense of urgency that we ask you to review our report and consider our recommendations. Finally, we want to restate MADD Canada's commitment to work with each province and territory to make our roads safer across Canada.



Karen Dunham

## METHODOLOGY

The first step in producing *The 2006 Report Card* was completing a detailed review of the traffic safety research. Based on this review, we prepared *The 2006 Rating Scale*, which identifies the measures that are likely to be most effective in reducing alcohol and/or drug-impaired driving. These initiatives are drawn from both existing best practices in Canada and the international experience. The proposed measures have been drafted to ensure that they are compatible with the *Canadian Charter of Rights and Freedoms*, and the unique constitutional and legislative framework that governs impaired driving in Canada.

*The 2006 Rating Scale* is largely based on three background documents. The most important of these is *The 2003 MADD Canada Model*. The purpose of that document was to provide readers with a comprehensive understanding of the research that underlies MADD Canada's analysis of the provincial and territorial legislation. Although the document was completed in 2003, there has been relatively little change in the relevant traffic safety research.

*The 2006 Rating Scale* also draws on the research undertaken in preparing MADD Canada's 2006 study *Youth and Impaired Driving: Opportunities for Progress*. Finally, *The 2006 Rating Scale* reflects the statistical information in MADD Canada's recently-published study *Alcohol, Trauma and Impaired Driving, 3rd ed.* All three background documents have been published and are available on MADD Canada's website.

In light of MADD Canada's experience in working with the provinces and territories over the last seven years, it was decided that the focus of *The 2006 Rating Scale* would be considerably narrower than that of its 2003 and 2000 predecessors. This also reflects the expressed preference of the provinces and territories to focus their legislative efforts on a limited number of traffic safety initiatives.

As in the past, some of the initiatives in *The 2006 Rating Scale* are weighted more heavily than others. These differences in the weightings reflect MADD Canada's assessment of the relative importance of the issues. The rating scale was also subject to internal and some external review and a copy was sent to each provincial and territorial government. The rating scale was then revised in light of the comments and suggestions that we received.

A summary of the relevant traffic legislation was prepared for each province and territory. The summaries included all legislation and regulations that were in force as of at least March 31, 2006 and noted, in lesser detail, pending legislation that had not been proclaimed in force by that date. Where appropriate, the statutory language was paraphrased to make the documents more readily understandable and to facilitate comparisons among the jurisdictions. The summaries were fully footnoted and included pinpoint references to the relevant statute, regulation or government website. The summaries were forwarded to the respective provincial and territorial governments in July to be reviewed by the appropriate government officials.

We received detailed comments from almost all of the provinces and territories, often encompassing both the legislative summary and the proposed rating scale. The comments on pending legislation and existing administrative practices were particularly helpful, as there was often no readily-available public source for this information. As a result of this ongoing dialogue, we were able to include legislative and administrative changes that were current to August 24, 2006.

We prepared detailed written responses addressing each comment and suggestion made by the government. We indicated when we agreed with a comment and outlined the changes that we were going to make to its legislative summary as a result. We also provided a detailed explanation of why we were not adopting a comment and provided the legislative basis for our position.

The finalized 2006 legislative summaries and rating scale were then forwarded to two of Canada's leading traffic safety researchers, Dr. T. Stockwell, Director, Centre for Addictions Research of British Columbia and Mr. J. Suggett, Senior Research Specialist, Synetics Inc. We also provided them with a copy of *The 2003 MADD Canada Model* as supplementary information.

In addition to adopting a narrower focus, *The 2006 Rating Scale* and *The 2006 Report Card* differ from their 2003 predecessor in two significant ways. First, the 2006 materials do not include a separate category of innovative measures. In 2003, we divided out proposed reforms into two categories – standard and innovative measures. Although the innovative measures were discussed at length, they were not included in the ranking and grading process. In an effort to simplify the explanation of MADD Canada's legislative reform proposals, the decision was made to eliminate the distinction between standard and innovative measures. Thus, every element in *The 2006 Report Card* was assessed in formulating the rankings and grades.

Second, *The 2003 Rating Scale* allotted a set number of discretionary points in each of the four subject areas. Given the goal of simplifying the legislative proposals and the more focused approach, it was decided not to include any discretionary points. This also makes the basis of the rankings and grades more transparent.

The two raters independently assessed the provincial and territorial summaries and provided MADD Canada with a jurisdiction-by-jurisdiction numerical score and written commentary. The compiling, analysis and writing of *The 2006 Report Card* was undertaken by Professor R. Solomon and Dr. S.G.A. Pitel, Faculty of Law, University of Western Ontario. Mr. A. Murie, MADD Canada's CEO, and the Board of Directors reviewed the materials and approved the rankings and grades.

## ASSESSING THE PROVINCES AND TERRITORIES

We have included below a copy of *The 2006 Rating Scale* that was used by the two independent assessors to rate the provincial and territorial legislation. The scale has been included to ensure that readers understand the basis upon which the jurisdictions were ranked and graded. The total possible points for each initiative and section of *The 2006 Rating Scale* are included. As previously indicated, these weightings reflect MADD Canada's priorities for reform and its assessment of the relative importance of the specific issues.

There are several aspects of the rating process and scale that warrant elaboration. First, there is relatively little consistency among the 13 jurisdictions in the use of terminology. Consequently, the assessors were advised to focus on the impact of a jurisdiction's legislative provisions and not on whether they were expressed in the same terms as the rating scale. In other words, the assessors were asked to determine whether the provisions in question bring about the results sought by the recommendations in *The 2006 Rating Scale*.

Second, in "Section II: Police Enforcement Powers", provinces and territories were awarded points based on whether the police were given express statutory powers of investigation. It has been argued that such explicit authority is unnecessary because police can rely on their common law enforcement powers or general enforcement provisions in the highway traffic legislation. However, the courts are not consistent in their interpretation of either common law police powers or legislation granting police general, undefined powers. Moreover, explicit statutory authority is important if an officer's conduct is challenged under the *Canadian Charter of Rights and Freedoms*. Even if a suspect's *Charter* rights have been infringed, the police conduct will be upheld if the infringement is a reasonable limit "prescribed by law". The Supreme Court of Canada has held that the "prescribed by law" requirement will be met if the infringement is "expressly provided for by statute." Thus, express statutory authority both provides the police with a stronger and clearer legal basis for intervention and makes it easier for prosecutors to meet *Charter* challenges.

Third, it is important to provide some background information on "Authority to Demand Samples from Drivers in Fatal or Personal Injury Crashes." As explained in *The 2003 MADD Canada Model*, the charge and conviction rates for impaired driving causing death and bodily harm are extremely low in Canada. Indeed, a recent British Columbia study found that only 11% of impaired drivers hospitalized following a crash were convicted of any federal impaired driving offence, let alone impaired driving causing death or bodily harm. In most cases, if an impaired driver needs or demands to be taken to hospital, it is extremely difficult for the police to obtain breath or blood samples. The net result is that impaired drivers who cause the most serious crashes are among the least likely to be charged and convicted. The current *Criminal Code* breath and blood-testing

provisions give Canadian police extremely limited authority to demand samples from drivers in crashes relative to police in most other comparable democracies. MADD Canada has long advocated that the provinces and territories use their extremely broad constitutional control over driver licensing and highways to expand police powers to obtain samples in crashes. Even though no Canadian jurisdiction has such legislation, MADD Canada has again included this proposal in the rating scale to encourage provinces and territories to address the problem.

Fourth, the origins of the “7-14 Day (Short-term) Administrative Licence Suspension for Alcohol and/or Drug Impairment” warrant discussion. MADD Canada first developed an administrative licence suspension initiative for drivers with BACs at or above .05% as part of its earlier provincial research. Working with a sub-committee of the Canadian Council of Motor Transport Administrators (CCMTA), MADD Canada subsequently prepared a 7-14 day administrative licence suspension proposal. After further modification, the current model was adopted by the Board of Directors of the CCMTA. MADD Canada has included this final model in *The 2006 Rating Scale*.

MADD Canada realizes that no jurisdiction in Canada currently has a 7-14 day administrative licence suspension at the .05% BAC level and that no jurisdiction will receive full points under this heading. However, every jurisdiction, with the exception of Québec, has some form of short-term (4-24 hour) administrative licence suspension for suspected impaired drivers. Consequently, the assessors were advised to award partial points under this heading to reflect the relative strength of a jurisdiction’s existing short-term licence suspension.

## THE 2006 RATING SCALE

### SECTION I: LICENSING

#### (a) Minimum Age for Beginning to Drive

- Is 16 the minimum age of licensed driving, even for those enrolled in a driver education program?

	2
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#### (b) Graduated Licensing Program

- Is there a graduated licensing program for all novice drivers, regardless of age?
- Does stage 1 of the graduated licensing program last at least 12 months, even for those enrolled in a driver education program?
- Are stage-1 drivers:
- only able to drive when supervised?
  - prohibited from driving between 10 p.m. and 6 a.m.?
  - prohibited from driving on high-speed roadways?
  - prohibited from carrying more than one non-family passenger under 20?
  - required to submit a signed statement from their supervisor(s) attesting to a minimum number of hours of supervised driving during stage 1?
  - required to pass a stage-1 road test in order to obtain a stage-2 licence?

	1
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	2
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	4
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- Does stage 2 of the graduated licensing program last at least 12 months, even for those who have completed a driver education program? 

	2
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- Are stage-2 drivers:
  - required to be supervised when driving between 10 p.m. and 6 a.m.?
  - required to be supervised when driving on high-speed roadways?
  - prohibited from carrying more than one non-family passenger under 20?
  - required to submit a signed statement from their supervisor(s) attesting to a minimum number of hours of supervised night-time driving (after dark) and supervised driving on high-speed roads?
  - required to pass a stage-2 road test that includes driving on a high-speed roadway in order to obtain a licence with full privileges?

	4
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- Must supervisors of stage-1 and stage-2 drivers:
  - be at least 21 years of age?
  - be fully licensed?
  - have a BAC of .00%?

	2
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- Are all stage-1 and stage-2 drivers required to have a .00% BAC, regardless of their age? 

	2
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- Are stage-3 drivers subject to a 24-month probationary period during which they:
  - must have a .00% BAC?
  - are subject to lower demerit point thresholds or are otherwise more closely monitored by licensing authorities than experienced drivers?

	2
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**(c) A .00% BAC Limit for all Novice Drivers**

- Is there a .00% BAC requirement for all drivers:
  - under the age of 21, even if they have full driving privileges; or
  - during their first five years of licensed driving?

	4
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**(d) Enforcement of the Graduated Licensing Program and the .00% BAC Limits**

- Are the police authorized to demand a roadside screening test or standard field sobriety test from:
  - any stage-1, stage-2 or stage-3 driver?
  - any supervisor of a stage-1 or stage-2 driver?
  - any driver under the age of 21 or any driver during their first five years of licensed driving?

	2
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- Are the police authorized to demand that supervisors of stage-1 and stage-2 drivers identify themselves and present their licence when requested to do so? 

	1
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- Are any licensing sanctions or restrictions (*i.e.* extended periods of supervised driving) applied to stage-1, stage-2 and stage-3 drivers who:
  - have an at-fault crash?
  - commit a serious violation of the provincial traffic legislation?
  - breach a condition of the graduated licensing program?

	2
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**SECTION I: TOTAL .....**

	<b>30</b>
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**SECTION II: POLICE ENFORCEMENT POWERS**

**(a) Authority to Stop Vehicles, Demand Documents and Establish Sobriety Checkpoints**

- Does provincial legislation authorize the police to stop any vehicle at random?
- Is failing to stop when directed to do so by an officer a provincial offence?
- Does provincial legislation authorize the police to demand that drivers produce their licence, insurance and ownership documents?
- Are drivers required to identify themselves and present their licence, insurance and ownership documents when requested to do so by an officer?
- Are police authorized to arrest, without a warrant, any driver who refuses to identify himself or herself, or is believed on reasonable grounds to have provided false information?
- Does provincial legislation give police authority to establish systematic sobriety checkpoints?

	5
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**(b) Authority to Demand Standard Field Sobriety Testing (SFST)**

- Are the police explicitly authorized to demand a SFST from any driver they reasonably suspect has alcohol or drugs in his or her body?
- Is failing to take a SFST, without a reasonable excuse, subject to a mandatory 90-day administrative licence suspension, and is it a provincial offence?
- Are the police explicitly authorized to videotape the SFST?

	5
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**(c) Authority to Demand Samples from Drivers in Fatal or Personal Injury Crashes**

- Are the police explicitly authorized to demand a breath, blood, saliva, or urine sample from any person they reasonably suspect of being a driver in a fatal or personal injury crash?
- Is a person's failure to provide the requested sample, without a reasonable excuse, subject to a mandatory administrative licence revocation and lengthy licence disqualification, and is it a provincial offence?
- Are the police authorized to have a blood, saliva or urine sample taken from a person they reasonably suspect of being a driver in a fatal or personal injury crash, if the person is unable to respond to a demand for a sample?

	4
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**SECTION II: TOTAL .....**

	14
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**SECTION III: LICENCE SUSPENSIONS AND REVOCATIONS**

**(a) 24-Hour Licence Suspensions for Unfitness**

- Are the police required to suspend a driver's licence for 24 hours if they reasonably believe that the driver is unfit to drive for any reason other than alcohol or drug impairment?

	1
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**(b) 7-14 Day (Short-term) Administrative Licence Suspensions for Alcohol and/or Drug Impairment**

- Are the police required to issue a 7-14 day licence suspension to a driver if:
  - they reasonably believe that the driver’s ability to drive is impaired by alcohol or drugs? 4
  - the driver registers a BAC of .05% or higher on a breath, blood or urine test?
  
- Are the police required to:
  - demand the surrender of the driver’s licence?
  - forward the licence to the licensing authority?
  - file a report of the suspension with the licensing authority? 2
  
- Are the police required to inform drivers that:
  - they may challenge the suspension by agreeing to submit, without delay, to evidentiary breath testing in the case of suspected alcohol impairment or a DRE in the case of suspected drug impairment?
  - the suspension will be revoked if the challenge is successful?
  - the results of the evidentiary breath tests or DRE may provide the basis for imposing additional provincial sanctions or laying federal impaired driving charges? 1
  
- Are drivers given the right to apply in writing to the licensing authority to review the suspension on the basis that their ASD reading was below .05% or that the officer did not reasonably believe that their ability to drive was impaired by alcohol or drugs? Is the licensing authority required to revoke the suspension and amend the driver’s record if the results of the review so warrant? 1
  
- Are drivers who obtain a second, third or subsequent short-term suspension within three years subject to a 30, 45 and 60-day licence suspension, respectively? 2
  
- Are drivers who receive two or more short-term alcohol-related suspensions within three years required to submit to an impaired driver assessment from a recognized agency? 2
  
- Are drivers who receive three or more short-term alcohol-related suspensions within three years required to install, at their own expense, an alcohol interlock on their vehicle for six months as a condition of licence reinstatement? 2
  
- Are drivers who receive a short-term licence suspension required to pay:
  - a licence reinstatement fee of between \$150 and \$300 for a first suspension?
  - an increased reinstatement fee for any subsequent suspension within three years? 1
  
- Is the licensing authority required to record all short-term licence suspensions on the driver’s record and include them on all driver abstracts for a period of ten years? 2

**(c) 90-Day Administrative Licence Suspensions**

- Are the police required to issue a 90-day licence suspension to a driver if:
  - the driver fails, without a reasonable excuse, to submit to any test for impairment required by federal or provincial law? 4
  - they have reasonable grounds to believe, based on a breath, blood or urine sample, that the driver's BAC was .08% or higher?
- Are the police required to send the driver's licence to the licensing authority, from whom the driver may obtain his or her licence after 90 days if no additional suspension has been imposed? 2
- Does the accumulation of 90-day licence suspensions within a prescribed period of time result in a mandatory review of the driver's record and additional sanctions? 2
- Are the grounds for challenging a 90-day licence suspension limited to:
  - whether the driver's BAC reading was below .08%?
  - whether the driver refused to submit to the requested test without a reasonable excuse? 1

**SECTION III: TOTAL** ..... 27

**SECTION IV: VEHICLE AND REMEDIAL PROGRAMS**

**(a) Alcohol Interlock Program**

- Is use of an alcohol interlock a mandatory condition for re-licencing all *Criminal Code* impaired driving offenders? 2
- Is the use of interlocks encouraged by reducing the length of the mandatory pro-vincial licence suspension or disqualification for:
  - Criminal Code* offenders who qualify for a shorter federal driving prohibition by participating in an interlock program? 2
  - other *Criminal Code* offenders?
- Is there a provincial agency that provides for ongoing:
  - servicing of the interlocks and downloading of the data logs?
  - analysis of the offender's performance in the interlock program, based on the data log? 2
  - reviews of the offender's participation in any remedial programs?
- Is the minimum duration of the interlock requirement:
  - one year for a first offence?
  - three years for a second offence within ten years?
  - five years for a third offence within ten years? 2
- Regardless of the minimum prescribed period, does the interlock requirement remain in effect until the licensing authority is convinced, based on the offender's performance in the interlock program and any remedial program, that the offender no longer poses a significant risk of re-offending and has overcome any underlying alcohol problem? 1

- Does the licensing authority have explicit authority to impose an interlock requirement on any driver that it reasonably believes poses a significant risk of impaired driving? 

	1
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- Does driving a vehicle without an interlock, while subject to an interlock requirement, expressly constitute driving while disqualified? 

	1
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- Does the driver bear the cost of installing and maintaining the interlock? 

	1
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**(b) Vehicle Impoundment and Immobilization**

- Are the police required to impound or immobilize:
  - any vehicle they have reasonable grounds to believe is uninsured?
  - any vehicle driven by a driver they have reasonable grounds to believe is unlicensed, suspended, prohibited, or disqualified?

	3
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- Is the impoundment or immobilization period at least:
  - 45 days for a first occurrence?
  - 90 days for a second occurrence within three years involving the same vehicle or the same owner?

	2
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- Does the legislation:
  - make both the driver and owner of the vehicle liable for any towing, impounding, storage, or immobilization costs?
  - allow owners to recover their vehicles before the end of the impoundment or immobilization period if they can prove that the vehicle was taken without implicit or explicit permission, or that they took reasonable steps to verify that the driver had a valid licence?
  - allow owners of impounded or immobilized vehicles to recover their expenses from the driver?
  - allow storage companies to sell impounded vehicles to recover fees that have remained unpaid after the impoundment period?

	2
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**(c) Licence Abstract Program**

- Has the province established a system that allows drivers to obtain a government-issued abstract of their driving record and licence status as of a stated date that can be shown to a vehicle owner, such as an employer or car rental firm, whose vehicle they wish to drive? 

	1
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**(d) Vehicle Forfeiture**

- Does provincial legislation authorize the forfeiture of the driver's vehicle, if he or she has been the driver responsible for three or more vehicle impoundments or immobilizations during a ten-year period? 

	3
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**(e) Remedial Programs**

- Is undergoing an alcohol/drug assessment and successfully completing any recommended treatment program a mandatory condition of licence reinstatement or reissuance for:
  - all *Criminal Code* impaired driving offenders?
  - all drivers who, within five years, have two or more mandatory administrative licence revocations for failing to take a required impairment test?

	4
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- all drivers with two or more alcohol or drug-related 90-day administrative licence suspensions within five years?
- all drivers with two or more alcohol-related 7-14 day administrative licence suspensions within three years?
- Does the licensing authority have explicit authority to require any driver it reasonably believes has an alcohol or drug problem to:
  - undergo an alcohol or drug assessment?
  - successfully complete any component(s) of a remedial program?
- Does the driver bear the cost of any required alcohol or drug assessment, and any required education program?

	1
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	1
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	<b>29</b>
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**SECTION IV: TOTAL .....**

**SECTION I: LICENSING .....**

**SECTION II: POLICE ENFORCEMENT POWERS .....**

**SECTION III: LICENCE SUSPENSIONS AND REVOCATIONS .....**

**SECTION IV: VEHICLE AND REMEDIAL PROGRAMS .....**

**TOTAL .....**

	<b>30</b>
	<b>14</b>
	<b>27</b>
	<b>29</b>
	<b>100</b>

## CURRENT INITIATIVES

The following checklist provides an overview of some key initiatives that exist, or will likely be introduced shortly, in each jurisdiction. Some initiatives were relatively easy to score, whereas others required a detailed review of the specific legislation. For the most part, a low threshold was adopted in assigning the checkmarks. Thus, if a jurisdiction had a program of some kind, even if it was relatively weak, it was awarded a checkmark. The checklist should be seen as providing only a cursory overview. For a more detailed discussion, see the individual provincial and territorial summaries.

**CHART II: THE 2006 PERFORMANCE CHECKLIST**

	AB	BC	MB	NB	NL	NS	NT	NU	ON	PE	QC	SK	YK
<b>LICENSING:</b>													
Minimum Driving Age 16		✓		✓	✓	✓			✓		✓		
Graduated Licensing Program	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓
.00% BAC for Drivers <21 or <5 Years Experience			✓										
Enforcement of Graduated Licensing	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓
<b>POLICE ENFORCEMENT POWERS:</b>													
Stop Vehicles	✓	✓	✓				✓	✓	✓	✓	✓	✓	
Demand Documentation	✓	✓	✓				✓	✓	✓	✓	✓		
Demand Standard Field Sobriety Testing			✓						✓		✓	✓	
Demand Samples From Drivers in Injury Crashes													
<b>LICENCE SUSPENSIONS AND REVOCATIONS:</b>													
24-Hour Licence Suspension for Unfitness							✓	✓					
7-14 Day Admin. Licence Suspensions													
90-Day Admin. Licence Suspensions	✓	✓	✓		✓	✓	✓		✓	✓		✓	✓
<b>VEHICLE AND REMEDIAL PROGRAMS:</b>													
Alcohol Interlock Program	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Vehicle Impoundment	✓	✓	✓		✓		✓		✓	✓	✓	✓	✓
Vehicle Forfeiture			✓										
Remedial Programs	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
<b>OVERALL PERFORMANCE:</b>													
Grade	B-	C+	A-	D	B-	D+	B-	F	B	D+	C	B-	C+
Ranking	4	8	1	12	3	11	6	13	2	10	9	5	7

## BEST PRACTICES

The following chart identifies jurisdictions that have the strongest programs in specific areas of *The 2006 Rating Scale*. Manitoba had among the best programs in many areas. Québec, the Northwest Territories, and Newfoundland and Labrador all had several highly-rated initiatives. Ontario, which ranked second overall, had above average programs in most categories, but few leading initiatives. In some areas, such as the Licence Abstract Program, many jurisdictions had strong programs. In contrast, only Manitoba has a vehicle forfeiture program and a proposed .00% BAC limit for drivers with less than five years driving experience. Similarly, only Québec, Manitoba and Saskatchewan authorize the police to demand Standard Field Sobriety Testing from suspected impaired drivers.

No reference is made to police authority to demand samples from drivers in fatal or personal injury crashes, because no jurisdiction currently has such legislation. As indicated, MADD Canada considers the absence of such provisions very troubling. Moreover, while all jurisdictions except Québec have some form of short-term administrative licence suspension, none are comparable to MADD Canada's proposed 7-14 day (short-term) administrative licence suspension program. Nevertheless, the assessors have recognized that Manitoba and Newfoundland and Labrador have the strongest short-term administrative licence suspension programs.

**CHART III: 2006 BEST PRACTICES**

SELECTED ISSUES	JURISDICTIONS
<p><b>Licensing:</b></p> <ul style="list-style-type: none"> <li>• Minimum Driving Age</li> <li>• Graduated Licensing Program</li> <li>• .00% BAC Limit For Young (&lt;21) and Novice (&lt; 5 years) Drivers</li> <li>• Enforcement of Graduated Licensing</li> </ul>	<p>BC, NB, NL, NS, ON, and QC                      NT, followed by BC and AB                      MB, followed by BC and AB</p> <p>MB, followed by ON and then AB</p>
<p><b>Police Enforcement Powers:</b></p> <ul style="list-style-type: none"> <li>• Authority to Stop Vehicles, Demand Documentation and Establish Sobriety Checkpoints</li> <li>• Authority to Demand Standard Field Sobriety Testing</li> </ul>	<p>BC, MB, NT, NU, ON, and QC</p> <p>QC, followed by MB and then SK</p>
<p><b>Licence Suspensions and Revocations:</b></p> <ul style="list-style-type: none"> <li>• 24-Hour Licence Suspensions for Unfitness</li> <li>• 7-14 Day (Short-term) Administrative Licence Suspensions</li> <li>• 90-Day Administrative Licence Suspensions</li> </ul>	<p>NT and NU                      MB and NL, followed by SK                      AB, NT, PE, and SK</p>
<p><b>Vehicle and Remedial Programs:</b></p> <ul style="list-style-type: none"> <li>• Alcohol Interlock Programs</li> <li>• Vehicle Impoundment and Immobilization</li> <li>• Vehicle Forfeiture</li> <li>• Remedial Programs</li> </ul>	<p>QC, followed by YK and then AB                      YK, followed by NL and then PE                      MB                      NL, followed by MB and QC</p>

# **A SYNOPSIS OF THE PROVINCIAL AND TERRITORIAL LEGISLATIVE SUMMARIES**

# ALBERTA

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**SYNOPSIS:** Alberta scored well for its 90-day administrative licence suspension and relatively well for graduated licensing enforcement and its alcohol interlock program. It scored poorly for its low minimum driving age, its lack of restrictions on drivers in stage two of the graduated licensing program, elements of its short-term administrative licence suspension, and its remedial programs. In addition, it needs to improve its police enforcement powers, introduce a 24-hour suspension for unfitness and introduce vehicle forfeiture.

**GRADE AND RANKING:** Alberta received a B- and ranked fourth in the *2006 Report*, up three places from the *2003 Report*.

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## LICENSING:

The minimum age of licensed driving in Alberta is 14, the lowest in Canada. Alberta has introduced a graduated licensing program which includes time-of-day and passenger restrictions, but no high-speed roadway restrictions. The minimum length of the program is three years, during which learner and probationary drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

Alberta does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

Alberta has introduced a new demerit point system. It contains special provisions for learners and probationary drivers, including a one-month suspension for accumulating 8 points and longer suspensions for a subsequent accumulation of 8 points. These thresholds are considerably lower than those that apply to drivers with full privileges.

## POLICE ENFORCEMENT POWERS:

The police have explicit statutory authority to demand that a driver stop his or her vehicle, to request information from the driver, and to demand that a driver provide his or her licence, registration and financial responsibility card.

Alberta legislation does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

## LICENCE SUSPENSIONS AND REVOCATIONS:

Alberta legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

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The police in Alberta are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Alberta does have a less comprehensive short-term suspension. If the police reasonably suspect that a driver's physical or mental ability is adversely affected by alcohol or a drug, they may immediately suspend the driver's licence for 24 hours, and the driver is required to surrender his or her licence. The police are not obliged to report the 24-hour suspension or provide the surrendered licence to the Registrar of Motor Vehicle Services. There are no prescribed consequences for drivers with multiple 24-hour suspensions.

The police must suspend the licence of a driver if they have reasonable and probable grounds to believe, by reason of breath or blood analysis, that the driver's BAC exceeds .08%. The police must also suspend the licence of a driver who they have reasonable and probable grounds to believe has failed to provide breath or blood samples, without a reasonable excuse. These suspensions are for 90 days. The police are required to notify the Registrar of the suspension. While the Registrar can consider these 90-day suspensions in deciding whether to use his or her general power to disqualify a driver, there are no mandatory consequences for accumulating 90-day suspensions.

#### **VEHICLE AND REMEDIAL PROGRAMS:**

Alcohol interlocks are not mandatory for all federal impaired driving offenders in Alberta. However, the Alberta Transportation Safety Board may reduce a driver's suspension and disqualification to the minimum *Criminal Code* driving prohibition if the driver agrees to participate in the province's alcohol interlock program. Before being accepted into the program, the applicant must successfully complete all other conditions of reinstatement that have been imposed by the Board, including any remedial programs. Drivers must participate in the interlock program for a minimum of six months. In addition, both the Board and the Registrar can make the use of an alcohol interlock a condition of licence reinstatement for any driver, including those who did not apply to participate in the program.

The police or the Registrar must seize or immobilize the vehicle of a driver who is charged with driving while unauthorized or disqualified. The vehicle will be seized or immobilized for 30 days. Alberta does not have legislation providing for vehicle forfeiture.

The Alberta legislation does not provide a mandatory remedial program for all impaired driving offenders. However, the Alberta Transportation Safety Board has the power to conduct a review of a person's ability to drive or attitude to driving, and require the person to undergo a remedial program as a condition of holding a licence. In addition, as a condition of removing any disqualification or suspension, the Registrar can require a person to complete education or rehabilitation programs, and exams or other tests. As a matter of administrative practice, all impaired driving offenders are required to complete a remedial program of some kind.

## BRITISH COLUMBIA

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**SYNOPSIS:** British Columbia scored well on its minimum driving age and police authority to stop vehicles and demand documentation. It also scored relatively well for its graduated licensing program and .00% BAC restrictions on new drivers. It scored poorly for its alcohol interlock program and elements of its short-term administrative licence suspension. In addition, it needs to introduce a 24-hour suspension for unfitness, strengthen elements of its 90-day administrative licence suspension, expand its vehicle impoundment program, and introduce vehicle forfeiture.

**GRADE AND RANKING:** British Columbia received a C+ and ranked eighth in the *2006 Report*, as it did in the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in British Columbia is 16. British Columbia has a graduated licensing system which includes time-of-day and passenger restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years and nine months, during which learner and novice drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

British Columbia does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

Under the current Driver Improvement Program (DIP), learner and novice drivers who have received a 12-hour licence suspension for driving with a positive BAC or for refusing to provide a breath sample may be subject to a driving prohibition of between one and six months. The current DIP also contains lower penalty point thresholds for intervention for learner and novice drivers than for fully-licensed drivers.

### POLICE ENFORCEMENT POWERS:

The police have statutory authority to demand that any driver stop his or her vehicle and to demand that a driver produce his or her driver's licence, ownership and insurance.

British Columbia does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

British Columbia legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in British Columbia are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, British Columbia does have a less comprehensive short-term suspension. The police may "prohibit" any driver who they have reasonable grounds to believe is impaired by alcohol or a drug from driving for 24 hours, and the police may require the driver to surrender his or her licence. The licence of a person who has been prohibited from driving is deemed to be suspended. The police must report the suspension to the Insurance Corporation of British Columbia (ICBC) but they do not have to forward the surrendered licence to ICBC. There are no mandatory consequences for an accumulation of 24-hour prohibitions. However, under the DIP, a driver who accumulates three 24-hour suspensions can be prohibited from driving for between three and twelve months.

If the police have reasonable and probable grounds to believe, by reason of breath or blood analysis, that a driver's BAC exceeded .08% at any time within three hours of driving, they must issue him or her a "notice of driving prohibition". The police must also issue a notice of driving prohibition to a driver who they have reasonable and probable grounds to believe has failed to provide breath or blood samples, without a reasonable excuse. The driver is able to drive for 21 days using a temporary licence, and then is prohibited from driving for 90 days. While the Superintendent of Motor Vehicles can consider these prohibitions in deciding whether to prohibit a person from driving for having a poor driving record, there are no mandatory consequences for accumulating 90-day prohibitions. However, as a matter of administrative practice, the Superintendent requires drivers to participate in a remedial program if they have two 90-day administrative driving prohibitions within five years.

### **VEHICLE AND REMEDIAL PROGRAMS:**

In British Columbia, the use of an alcohol interlock is not a mandatory condition for re-licencing federal impaired driving offenders. The Superintendent does have the discretion to require a driver to participate in an alcohol interlock program. As a matter of administrative practice, the Superintendent makes participation in an interlock program a condition of re-licensing for drivers who have three or more impaired driving convictions. These offenders are eligible for re-licensing after serving at least five years of their provincial licence suspension and after having successfully completed a rehabilitation program.

British Columbia law provides several different bases for vehicle impoundment, but these arise only in very specific circumstances. First, the police must impound the vehicle of a driver they have grounds to believe is unlicensed and has had a specified notice placed on his or her driving record for a previous conviction for driving without a licence. The vehicle is impounded for 30 days on the first occurrence. Second, the police must impound the vehicle of a person they have grounds to believe is driving despite being prohibited from driving in certain circumstances. The police must also impound

the vehicle of a driver whose licence they have grounds to believe is suspended under specific provincial provisions. The vehicle is impounded for 60 days for a first occurrence. British Columbia legislation does not authorize the forfeiture of a driver's vehicle.

British Columbia does not yet have a mandatory remedial measures program in place. However, the Superintendent has broad discretion to require a driver to participate in a driver training program, a remedial course or an alcohol interlock program. As a matter of administrative practice, the Superintendent requires drivers to participate in a remedial program if they have an alcohol-related *Criminal Code* conviction, two 90-day administrative driving prohibitions within five years, three 24-hour suspensions within five years, or an indefinite driving suspension of which they have served at least five years.

## MANITOBA

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**SYNOPSIS:** Manitoba scored well for its .00% BAC restrictions on new drivers, graduated licensing enforcement, police enforcement powers, short-term administrative licence suspension, and vehicle forfeiture program. It also scored relatively well for its Standard Field Sobriety Testing (SFST) and remedial programs. It scored poorly for its lack of restrictions on drivers in stage two of the graduated licensing program. In addition, it needs to improve its alcohol interlock program and introduce a 24-hour suspension for unfitness.

**GRADE AND RANKING:** Manitoba received an A- and ranked first in the *2006 Report*, as it did in the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in Manitoba is 15½. Manitoba has a graduated licensing program which includes passenger restrictions, but no high-speed roadway or time-of-day restrictions. The minimum length of the program is three years. Novice drivers are subject to a .00% BAC limit and supervising drivers are subject to a .05% BAC limit.

Manitoba does not currently impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving. However, in May 2006 Manitoba announced that it will increase the duration of the .00% BAC restriction for novice drivers from three to five years.

Novice drivers who violate the conditions of the graduated licensing program, are involved in an at-fault collision, or are convicted of a driving-related offence may be required to attend a novice driver course or a “Novice Driver Hearing” with the Driver Improvement and Control Section of Driver and Vehicle Licensing. The hearing can result in an extension of the learner or intermediate stage, the imposition of additional restrictions on the driver’s licence, or a licence suspension.

### POLICE ENFORCEMENT POWERS:

The police have explicit statutory authority to demand that any driver stop his or her vehicle, and to demand that a driver produce his or her licence, proof of insurance and registration card.

If the police reasonably suspect that a driver has any alcohol in his or her body, or that his or her ability to drive is impaired by a drug, they are authorized to demand that the driver participate in SFST. If a driver refuses, the police must seize and impound the driver’s vehicle and suspend his or her licence for 90 days.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

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### **LICENCE SUSPENSIONS AND REVOCATIONS:**

Manitoba legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in Manitoba are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Manitoba does have a less comprehensive short-term suspension. The police must immediately request the surrender of the licence of any driver who registers a BAC of .05% or more, or who fails to provide a breath or blood sample, without a reasonable excuse. The police must also immediately request the surrender of the licence of any driver: (i) who, based on a SFST, they believe is unable to drive safely; (ii) who fails to take a SFST; or (iii) who they believe is so impaired by alcohol or drugs as to not be able to provide a sample or take a SFST. In each case, the driver is required to surrender his or her licence and the police request triggers a 24-hour licence suspension. The police are required to notify the Registrar of Motor Vehicles of the suspension, but do not have to forward the surrendered licence to the Registrar. The Registrar must require any driver who receives two 24-hour suspensions within three years to undergo an impaired driver's assessment conducted by a recognized agency. Moreover, the Registrar may also require the driver to successfully complete an educational or treatment program.

The police must seize and suspend the licence of any driver that they have reason to believe: (i) has a BAC above .08%; (ii) has failed, without a lawful excuse, to provide breath or blood samples; or (iii) has refused to take a SFST. The driver can drive for 7 days on a temporary licence, and then is suspended for 90 days. Prior to reinstating the driver's licence, the Registrar must require the driver to provide a copy of an impaired driver's assessment conducted by a recognized agency and to successfully complete any recommended educational or treatment program.

### **VEHICLE AND REMEDIAL PROGRAMS:**

Manitoba currently has a limited alcohol interlock program. Federal impaired driving offenders may apply to the Licence Suspension Appeal Board to be admitted to the program, but they must show that "exceptional hardship" will result if they are denied admission and that it is not contrary to the public interest to let them do so. After three years, the Board may remove the interlock restriction. The Board routinely imposes driving restrictions as part of the interlock program. These restrictions prevent the driver from driving for any purpose other than his or her employment and attending appointments for servicing the interlock. The Board may also limit the times of day the driver can drive. The Registrar also has broad general powers to require drivers to participate in the program, even if they had not been charged with or convicted of an impaired driving offence.

The police must seize and impound a vehicle if they have reason to believe that the driver is prohibited or disqualified, has a BAC above .08%, has failed to provide breath or blood samples without a reasonable excuse, or has failed to take a SFST. There is no explicit impoundment program for uninsured vehicles. In most situations, the vehicle is impounded for 30 days.

Vehicles involved in certain serious offences, such as impaired driving causing bodily harm or death, criminal negligence causing bodily harm or death, manslaughter, and willfully attempting to evade police pursuit causing bodily harm or death, may be forfeited to the province. Vehicles involved in three or more specified offences committed by the same offender within five years may also be subject to forfeiture.

The Registrar has the power to require any applicant or licensed driver to submit to an alcohol or drug assessment conducted by a recognized agency. Moreover, the Registrar must require drivers to submit to an assessment if they have two or more 24-hour suspensions, a 90-day suspension, or a suspension for a federal impaired driving offence. Based on the driver's assessment, the Registrar may then require the driver to participate in a treatment program.

## NEW BRUNSWICK

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**SYNOPSIS:** New Brunswick scored well for its minimum driving age. It scored poorly for its lack of restrictions under the graduated licensing program, its police enforcement powers, its short-term administrative licence suspension, and its vehicle impoundment and remedial programs. In addition, it needs to introduce a 90-day administrative licence suspension, a 24-hour suspension for unfitness and vehicle forfeiture.

**GRADE AND RANKING:** New Brunswick received a D and ranked twelfth in the *2006 Report*, down two places from the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in New Brunswick is 16. New Brunswick has a graduated licensing program which includes passenger restrictions, but no high-speed roadway or time-of-day restrictions. The minimum length of the program is two years, during which the novice driver must have a .00% BAC. There is no BAC restrictions on supervising drivers.

New Brunswick does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

The provincial legislation does not authorize the police to demand breath samples from a novice driver, who must instead rely on their *Criminal Code* powers. New Brunswick has a demerit point system. The system contains special point thresholds for drivers, including novice drivers, with less than four years experience. A newly-licensed driver suspended under this program is required to restart the entire graduated licensing program.

### POLICE ENFORCEMENT POWERS:

The police do not have explicit statutory authority to stop vehicles at random. However, they do have explicit authority to require a driver to stop at any time for a “spot inspection” of the vehicle. The police have no explicit statutory authority to demand that a driver provide documentation.

New Brunswick does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

New Brunswick legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in New Brunswick are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, New Brunswick does have a less comprehensive short-term suspension. If a driver registers a BAC of .05% or more, the police are authorized to request the surrender of his or her licence. Similarly, the police can request the surrender of the licence of any driver who is charged with the *Criminal Code* offences of impaired driving, driving with a BAC above .08%, or refusing to provide breath or blood samples, without a reasonable excuse. The driver is required to surrender the licence, and the police request triggers a 24-hour suspension of the driver's "driving privilege" and a licence revocation. The police are not expressly required to notify the Registrar of Motor Vehicles or forward the surrendered licence. There are no specific consequences for accumulating 24-hour suspensions. However, if the Registrar is concerned about a driver's ability to drive safely, he or she has broad general powers that can be invoked to require the driver to submit to a medical examination and can cancel, suspend or impose restrictions on the driver's licence.

New Brunswick legislation does not impose a 90-day administrative licence suspension on drivers who have a BAC above .08%, refuse to provide a breath sample, or are charged with a federal impaired driving offence.

### **VEHICLE AND REMEDIAL PROGRAMS:**

Legislation which has been recently enacted but not yet proclaimed into force will introduce an alcohol interlock program. *Criminal Code* impaired driving offenders, other than those with a novice licence, will be able to apply to the Registrar to participate in the program. The minimum participation period will be the length of the driver's original provincial suspension.

New Brunswick has not introduced a vehicle impoundment or immobilization program. However, the police have recently been authorized to seize and impound a vehicle if: (i) the driver cannot provide the police with proof of insurance, and (ii) the owner of the vehicle has been convicted, within the past two years, of either driving an uninsured vehicle or allowing his or her vehicle to be driven without insurance. Provincial legislation does not authorize the forfeiture of a driver's vehicle.

Every driver whose licence is revoked because of a *Criminal Code* impaired driving conviction must successfully complete an approved "drinking driver re-education course". Novice drivers who breach the .00% BAC condition of their licence must also take this course.

## NEWFOUNDLAND AND LABRADOR

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**SYNOPSIS:** Newfoundland and Labrador scored well for its minimum driving age, short-term administrative licence suspension and remedial programs. It also scored relatively well for its vehicle impoundment program. It scored poorly for its police enforcement powers and its lack of restrictions on drivers in stage two of the graduated licensing program. In addition, it needs to introduce a 24-hour suspension for unfitness and introduce vehicle forfeiture.

**GRADE AND RANKING:** Newfoundland and Labrador received a B- and ranked third in the *2006 Report*, up six places from the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in Newfoundland and Labrador is 16. Newfoundland and Labrador has a graduated licensing program which includes passenger and time-of-day restrictions, but no high-speed roadway restrictions. The minimum length of the program is 20 months, during which novice drivers must have a .00% BAC. Supervising drivers cannot have a BAC of .05% or more.

Newfoundland and Labrador does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

The provincial legislation does not authorize the police to demand breath samples from a novice driver, who instead must rely on their *Criminal Code* powers. Novice drivers who fail to provide a breath sample or have a BAC of .08% or more are subject to a licence suspension of at least 90 days. Novice drivers who otherwise test positive for alcohol receive a two-month suspension for a first occurrence, a four-month suspension for a second occurrence, and a six-month suspension for a third or subsequent occurrence. Novice drivers with a second or subsequent violation must complete a remedial program prior to licence reinstatement. Newfoundland and Labrador has a demerit point system, and novice drivers are subject to lower point thresholds than drivers with full licence privileges.

### POLICE ENFORCEMENT POWERS:

The police do not have statutory authority to stop vehicles at random, and there is no specific provincial offence of failing to stop when requested to do so by the police. The police have no explicit statutory authority to demand that a driver provide documentation.

Newfoundland and Labrador does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

Newfoundland and Labrador legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in Newfoundland and Labrador are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Newfoundland and Labrador does have a less comprehensive short-term suspension. If a driver registers a BAC of .05% or more, or refuses to provide a breath sample, the police must request the surrender of his or her licence. Similarly, the police must request the surrender of the licence of any driver who is charged with one of the *Criminal Code* impaired driving offences. The driver is required to surrender his or her licence and the police request triggers a 24-hour licence suspension. The police are required to notify the Registrar but they are not required to forward a surrendered licence to the Registrar. If a driver incurs three, four or more 24-hour suspensions within two years, his or her licence will be suspended for two, four or six months, respectively. Drivers who receive multiple 24-hour suspensions within two years are also required to complete either an educational or remedial program prior to licence reinstatement.

A driver who fails to provide a breath sample, or registers a BAC of .08% or more on an approved screening device or instrument is subject to both a 24-hour licence suspension and a 90-day suspension. The 90-day suspension takes effect 14 days after the 24-hour suspension expires. A driver who receives two or more 90-day suspensions within two years is required to complete a remedial program prior to licence reinstatement.

### **VEHICLE AND REMEDIAL PROGRAMS:**

Newfoundland and Labrador has a voluntary interlock program. A driver whose licence has been suspended for a *Criminal Code* impaired driving offence can apply to the Registrar for a licence with an interlock restriction. The interlock restriction lasts for the length of the provincial suspension.

It is an offence to drive without insurance and for an owner to allow a driver to drive without insurance. The Registrar must have the police seize and impound the vehicle of such drivers for 90 days, unless it was being driven without the owner's consent. If the police have a reasonable belief that a driver is disqualified or prohibited from driving, they must seize and impound the driver's vehicle for 30 days. Newfoundland and Labrador legislation does not authorize the forfeiture of a driver's vehicle.

Newfoundland and Labrador has comprehensive remedial programs. Every driver suspended as a result of a *Criminal Code* offence must successfully complete a remedial program before his or her licence will be reinstated. A driver who receives a 90-day suspension is required to complete an educational program prior to licence reinstatement,

and a driver who receives two or more 90-day suspensions within two years is required to complete a remedial program prior to licence reinstatement. Drivers with two 24-hour suspensions in two years must attend an educational program. Similarly, drivers with three or more 24-hour suspensions must attend an alcohol dependency assessment and may be ordered by the Registrar to complete an alcohol rehabilitation program. In addition, the Registrar can require applicants and licensed drivers to have a medical examination to determine if they are physically and mentally competent to drive.

## NORTHWEST TERRITORIES

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**SYNOPSIS:** The Northwest Territories scored well for its graduated licensing program, police enforcement powers, 24-hour licence suspension for unfitness and 90-day administrative licence suspension. It scored poorly on aspects of its short-term administrative licence suspension and alcohol interlock program. In addition, it needs to strengthen its vehicle impoundment and remedial programs, and introduce vehicle forfeiture.

**GRADE AND RANKING:** The Northwest Territories received a B- and ranked sixth in the *2006 Report*, up six places from the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in the Northwest Territories is 15. The Northwest Territories has introduced a formal graduated licensing program which includes passenger and time-of-day restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years, during which learners and probationary drivers are subject to a .00% BAC restriction. Supervising drivers are also subject to a .00% BAC restriction and their ability to drive cannot be impaired by drugs.

The Northwest Territories does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

Novice drivers who violate the conditions of the graduated licensing program commit a territorial offence. In addition, the Northwest Territories has a demerit point system, under which novice drivers are subject to special sanctions.

### POLICE ENFORCEMENT POWERS:

The police have explicit statutory authority to demand that any driver stop his or her vehicle for the purpose of determining whether the driver or the vehicle complies with territorial law. Once they have stopped a vehicle, the police have explicit statutory authority to demand that drivers produce their licence, proof of insurance and the vehicle's registration permit.

The Northwest Territories does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### LICENCE SUSPENSIONS AND REVOCATIONS:

Northwest Territories legislation authorizes police to suspend a driver's licence for 24 hours if they reasonably believe that he or she is fatigued. Beyond this, Northwest

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Territories legislation does not contain a more general power authorizing police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in the Northwest Territories are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, the Northwest Territories does have a less comprehensive short-term suspension. If the police have reasonable grounds to believe that a driver's ability is adversely affected by alcohol or a drug, they have the authority to immediately request the surrender of his or her licence. The police are not required to take a breath or blood sample, and there is no minimum BAC required. The driver is required to surrender the licence, and the police demand triggers a 24-hour licence suspension. The police do not have to forward the surrendered licence to the Registrar. There are no standard consequences for accumulating short-term suspensions. However, the Registrar can cancel a driver's licence and prohibit him or her from driving for up to two years if the Registrar has reasonable grounds to believe that the person has an unsatisfactory driving record or that the person's driving endangers public safety. This broad power could be used to sanction drivers who accumulate short-term suspensions.

If, pursuant to a demand under the *Criminal Code*, a driver provides a breath or blood sample which exceeds a BAC of .08%, or refuses to provide a sample, the police are required to demand the surrender of his or her licence. The driver is allowed to drive for 7 days under a temporary licence and then is suspended for 90 days. There are no standard consequences for accumulating 90-day suspensions. However, as noted, the Registrar has broad authority to cancel the licence of a driver who is believed to have an unsatisfactory driving record or to endanger public safety.

#### **VEHICLE AND REMEDIAL PROGRAMS:**

Where a driver has been suspended for 90 days or suspended following a conviction for a *Criminal Code* impaired driving offence, the Registrar may require the driver to participate in the territory's alcohol interlock program. More generally, the Registrar has the power to impose conditions on a driver's licence at any time, which could include participation in an interlock program.

The police may seize the vehicle of a driver who has been charged with driving while prohibited, suspended, or disqualified, if the prohibition, suspension or disqualification arose from a prior *Criminal Code* impaired driving offence. The seizure lasts for 30 days. The territorial legislation does not authorize the forfeiture of a driver's vehicle.

The Northwest Territories does not have any mandatory remedial programs. However, the Registrar can impose mandatory conditions when issuing or reinstating a licence if the driver was suspended for 90-days or for a *Criminal Code* impaired driving offence. These conditions can include: undergoing a driver or alcohol dependency assessment and completing a driver improvement, alcohol dependency awareness, or alcohol treatment program. If the Registrar has reasonable grounds to believe that a driver cannot drive safely because of a "physical or mental disability or disease", he or

she can require the driver to undergo a medical examination. Based on the examination, the Registrar can cancel the driver's licence or impose conditions on it.

## NOVA SCOTIA

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**SYNOPSIS:** Nova Scotia scored well for its minimum driving age. It scored poorly on its graduated licensing program, police enforcement powers, and alcohol interlock and vehicle impoundment programs. In addition, it needs to introduce a 24-hour suspension for unfitness, improve its short-term administrative licence suspension and introduce vehicle forfeiture.

**GRADE AND RANKING:** Nova Scotia received a D+ and ranked eleventh in the *2006 Report*, down six places from the *2003 Report*.

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### **LICENSING:**

The minimum age of licensed driving in Nova Scotia is 16. Nova Scotia has a graduated licensing system which includes passenger and time-of-day restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years and three months, during which learners and newly-licensed drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

Nova Scotia does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

It is an offence for a learner or newly-licensed driver to have a BAC over .00% or to fail to provide a sample. Under Nova Scotia's demerit point system, learners and newly-licensed drivers are subject to lower point thresholds than other drivers.

### **POLICE ENFORCEMENT POWERS:**

The police do not have express statutory authority to demand that drivers stop their vehicle or to demand that drivers provide documentation.

Nova Scotia does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

Nova Scotia legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in Nova Scotia are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Nova Scotia does have a less comprehensive short-

term suspension. If a driver registers a BAC of .05% or more, the police are authorized to request the surrender of his or her licence. Similarly, the police may demand the surrender of the licence of any driver who is charged with impaired driving, driving with a BAC above .08%, or refusing to provide breath or blood samples, without a reasonable excuse. The driver is required to surrender his or her licence, and the police request triggers a licence revocation and a 24-hour suspension. It appears to be police policy to forward a record of the suspension to the Registrar, but not the surrendered licence. There are no standard consequences for accumulating 24-hour suspensions. However, the Registrar does have broad general powers to require a driver to submit to an examination and to successfully complete a driver improvement program.

If the police have reasonable and probable grounds to believe, by reason of breath or blood analysis, that a driver has a BAC above .08%, they must seize the driver's licence. Similarly, they must seize the licence of a driver who they have reasonable and probable grounds to believe has failed to provide a sample without a reasonable excuse. The driver is allowed to drive for 7 days on a temporary licence and is then prohibited from driving for 90 days. Drivers are required to successfully complete an alcohol rehabilitation program prior to reinstatement. There are no prescribed consequences for drivers who accumulate 90-day prohibitions. However, as indicated, the Registrar has broad general powers to require a driver to submit to an examination and to successfully complete a driver improvement program.

#### **VEHICLE AND REMEDIAL PROGRAMS:**

Nova Scotia does not yet have an alcohol interlock program. However, amendments which are currently scheduled to come into force by no later than January 1, 2007, would create a program. Under the proposed amendments, every driver whose licence is revoked or suspended for a federal impaired driving offence, and every driver who receives a 90-day administrative licence suspension, would be required to participate in an alcohol interlock and monitoring program prior to reinstatement.

Specific vehicle impoundment legislation was enacted in 1998, but it has still not been proclaimed in force. Under it, the police will be required to detain the vehicle of a person driving while his or her licence or privilege to obtain a licence has been revoked under certain circumstances. The police will then notify the Registrar, who will have the authority to order the vehicle impounded for 90 days for a first occurrence. Nova Scotia legislation does not authorize the forfeiture of a driver's vehicle.

Every driver whose licence is revoked or suspended for a federal impaired driving offence, and every driver who receives a 90-day administrative licence suspension, must participate in a rehabilitation program prior to licence reinstatement. Federal impaired driving offenders who re-offend or receive a 90-day suspension are required to attend an assessment with Addiction Services.

## NUNAVUT

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**SYNOPSIS:** Nunavut scored well for its police enforcement powers and is one of two jurisdictions to have a 24-hour licence suspension for unfitness to drive. It scored poorly for its graduated licensing program, short-term administrative licence suspension, and remedial programs. In addition, it needs to introduce a 90-day administrative licence suspension, an alcohol interlock program, and vehicle impoundment and forfeiture programs.

**GRADE AND RANKING:** Nunavut received a F and ranked thirteenth in the *2006 Report*, as it did in the *2003 Report*.

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### **LICENSING:**

The minimum age of licensed driving in Nunavut is 15. Nunavut does not have a formal graduated licensing program. Learner drivers must be accompanied, but there are no high-speed roadway, time-of-day or passenger restrictions. Learners are not required to maintain a lower BAC than drivers with full driving privileges, and there is no BAC restriction on supervising drivers. Drivers can receive full driving privileges at 16.

Nunavut does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

Nunavut has a demerit point system, under which learners are subject to special sanctions.

### **POLICE ENFORCEMENT POWERS:**

The police have explicit statutory authority to demand that any driver stop his or her vehicle for the purpose of determining whether the driver or the vehicle complies with provincial law. Once they have stopped a vehicle, the police have explicit statutory authority to demand that drivers produce their licence, proof of insurance and the vehicle's registration permit.

Nunavut does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

Nunavut legislation authorizes police to suspend a driver's licence for 24 hours if they reasonably believe that he or she is adversely affected by fatigue. Beyond this, Nunavut legislation does not contain a more general power authorizing police to suspend

a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in Nunavut are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Nunavut does have a less comprehensive short-term suspension. If the police have reasonable grounds to believe that a driver's ability is adversely affected by alcohol or a drug, they have the authority to immediately request the surrender of his or her licence. The police are not required to take a breath or blood sample, and there is no minimum BAC required. The test results on an approved screening device or instrument typically provide the police with the necessary grounds to believe that a driver's ability to drive is impaired. The driver is required to surrender the licence, and the police demand triggers a licence suspension of between 4 and 24 hours, as determined by the police. The police are not required to forward the surrendered licence to the Registrar. There are no standard consequences for accumulating short-term suspensions. However, the Registrar can cancel a driver's licence and prohibit him or her from driving for up to two years if the Registrar has reasonable grounds to believe that the person has an unsatisfactory driving record or that the person's driving endangers public safety.

Nunavut legislation does not impose a 90-day administrative licence suspension on drivers who have a BAC above .08%, refuse to provide a breath or blood sample, or are charged with a federal impaired driving offence.

#### **VEHICLE AND REMEDIAL PROGRAMS:**

Nunavut has not introduced an alcohol interlock program. Nunavut does not have a vehicle impoundment program for unlicensed, suspended, prohibited, disqualified, or uninsured drivers. The territorial legislation does not authorize the forfeiture of a driver's vehicle.

Nunavut does not have any mandatory remedial programs, and the Registrar does not have explicit authority to require a driver to undergo an assessment or complete a remedial program. If the Registrar has reasonable grounds to believe that a driver cannot drive safely because of a "physical or mental disability or disease", the Registrar can require the driver to undergo a medical examination. Based on the examination, the Registrar can cancel the driver's licence or impose conditions on it.

## ONTARIO

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**SYNOPSIS:** Ontario scored well on its minimum driving age and police enforcement powers. It also scored relatively well for its graduated licensing enforcement and Standard Field Sobriety Testing. It scored poorly on its lack of restrictions on drivers in stage two of the graduated licensing program and elements of its short-term administrative licence suspension. In addition, it needs to introduce a 24-hour suspension for unfitness, improve its alcohol interlock and remedial programs, and introduce vehicle forfeiture.

**GRADE AND RANKING:** Ontario received a B and ranked second in the *2006 Report*, as it did in the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in Ontario is 16. Ontario has a graduated licensing program which includes passenger, time-of-day and high-speed roadway restrictions. The minimum length of the program is one year and eight months, during which new drivers must have a .00% BAC. Supervising drivers must have a BAC of less than .05%.

Ontario does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

Ontario has a demerit point system, under which novice drivers are subject to lower point thresholds and special sanctions.

### POLICE ENFORCEMENT POWERS:

The police have explicit statutory authority to demand that any driver stop his or her vehicle. The police have no explicit statutory authority to demand that a driver provide documentation.

Ontario does not give the police specific statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing. However, the police have the express power to stop a vehicle for the purpose of determining whether there is evidence to justify a demand for a breath sample under the *Criminal Code*. The courts have interpreted this power as allowing the police to use various investigation techniques to make this determination, including asking drivers to participate in physical co-ordination tests.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

Ontario legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in Ontario are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Ontario does have a less comprehensive short-term suspension. If a driver registers a BAC of .05% or more on an approved screening device or instrument, the police are authorized to request the surrender of his or her licence. Similarly, the police can request the surrender of the licence of any driver who is charged with impaired driving, driving with a BAC above .08%, or refusing to provide breath or blood samples without a reasonable excuse. The driver is required to surrender the licence, and the police request triggers a 12-hour licence suspension. Police officers are not expressly required to notify the Registrar of Motor Vehicles or forward the surrendered licence. There are no specific consequences for accumulating 12-hour suspensions. However, the Registrar has broad general powers to suspend or cancel a driver's licence for driving-related misconduct or "any other sufficient reason". Presumably these general powers could be invoked in cases of multiple 12-hour suspensions.

If the police, based on a breath or blood analysis, are satisfied that a driver's BAC exceeds .08%, or are satisfied that he or she has failed to provide a sample without a reasonable excuse, they must notify the Registrar. In turn, the Registrar must issue a 90-day licence suspension which takes effect immediately. There are no specific consequences for accumulating 90-day suspensions. However, as noted, the Registrar has broad general powers to suspend or cancel licences, which presumably could be invoked in cases of multiple 90-day suspensions.

### **VEHICLE AND REMEDIAL PROGRAMS:**

*Criminal Code* impaired driving offenders must participate in the province's alcohol interlock program as a condition of licence reinstatement. The minimum participation period is one year for a first conviction and three years for a second conviction. On a third conviction, the use of an interlock is a permanent requirement. At the end of the minimum interlock period, drivers can apply to be removed from the program and returned to full driving privileges.

The police must detain a driver's vehicle and notify the Registrar if they are satisfied that the driver has driven while suspended for a *Criminal Code* impaired driving offence, or while suspended or prohibited for the *Criminal Code* offence of driving while disqualified. The Registrar may then order the vehicle impounded for 45 days for a first occurrence. Ontario does not have a vehicle impoundment program for drivers suspended for other reasons, or for unlicensed or uninsured drivers. In addition, judges can impose a three-month vehicle impoundment on drivers convicted of: a federal impaired driving offence; a second federal offence of failing to stop at the scene of an accident; or the provincial offences of driving while suspended or driving without insurance. Ontario legislation does not authorize the forfeiture of a driver's vehicle.

Every driver whose licence is suspended for a *Criminal Code* impaired driving offence must undergo an assessment and successfully complete a remedial program prior to licence reinstatement. This requirement also applies to drivers whose licence is suspended for a *Criminal Code* offence other than impaired driving, if they have been convicted of an impaired driving offence within the previous ten years. If an offender has two prior impaired driving convictions or is viewed as being at high risk of re-offending, he or she will be referred to a treatment program.

## PRINCE EDWARD ISLAND

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**SYNOPSIS:** Prince Edward Island scored well on its 90-day administrative licence suspension and relatively well on its vehicle impoundment program. It scored poorly on its graduated licensing program, elements of its short-term administrative licence suspension, and its alcohol interlock program. In addition, it needs to introduce a 24-hour suspension for unfitness, strengthen its remedial programs, and introduce vehicle forfeiture.

**GRADE AND RANKING:** Prince Edward Island received a D+ and ranked tenth in the *2006 Report*, up one place from the *2003 Report*.

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### LICENSING

The minimum age of licensed driving in Prince Edward Island is 15½. Prince Edward Island does not have a formal graduated licensing system. New drivers are subject to passenger restrictions, but there are no time-of-day or high-speed roadway restrictions. There is no requirement that new drivers have a BAC of .00%. New drivers must hold an instruction permit for a minimum of 180 days, and are then newly-licensed drivers for a further two years. There is no BAC limit for supervising drivers.

Prince Edward Island does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

The police must impose a 90-day driving prohibition on any driver who is under 19 or who has held a valid driver's licence for less than two years if he or she has been issued a 24-hour suspension. Drivers with an instruction permit and newly-licensed drivers are also subject to a lower intervention threshold under the province's demerit point program than fully-licensed drivers.

### POLICE ENFORCEMENT POWERS:

The police have explicit statutory authority to stop vehicles and request that drivers produce their licence and registration.

Prince Edward Island does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### LICENCE SUSPENSIONS AND REVOCATIONS:

Prince Edward Island legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

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The police in Prince Edward Island are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Prince Edward Island does have a less comprehensive short-term suspension. If a driver registers a BAC of .05% or more, or refuses to provide a breath sample, the police must request the surrender of his or her licence. The driver is required to surrender the licence and the police request triggers a 24-hour suspension. The police do not have to forward the surrendered licence to the Registrar. There are no prescribed consequences for drivers who accumulate 24-hour suspensions. Nevertheless, the Registrar has broad general powers to suspend or cancel licences, disqualify drivers or impose periods of probationary driving for: (i) *HTA* violations arising from the use of intoxicants or reckless or negligent driving; or (ii) any other reason that renders a person unfit to drive.

If the police have grounds to believe, by reason of a breath or blood analysis, that a driver has a BAC above .08%, they must seize the driver's licence and issue him or her a "notice of driving prohibition". They must also take these steps if they have grounds to believe a driver has failed to provide a sample without a reasonable excuse. The driver can drive for 7 days under a temporary licence and then is prohibited from driving for 90 days. There are no prescribed consequences for drivers who accumulate 90-day prohibitions. However, the Registrar's previously-discussed broad general powers could be used to suspend or cancel the licence of such drivers.

#### **VEHICLE AND REMEDIAL PROGRAMS:**

Prince Edward Island has very recently introduced the framework for an alcohol interlock program. The Registrar may issue a driver's licence to a *Criminal Code* impaired driving offender despite the provincial driving disqualification that would otherwise apply if the offender participates in an alcohol interlock program. However, the specifics of the interlock program have not yet been enacted.

The police can impound a vehicle if they are satisfied that the driver's licence is suspended or cancelled, and the driver has previously been convicted, within the past two years, of either: the provincial offence of driving while his or her licence is suspended or cancelled; or the federal offence of driving while disqualified. The vehicle is impounded for 30 days for a first occurrence. In addition, judges may impose a three-week vehicle impoundment on drivers convicted of a federal impaired driving offence or the provincial offence of driving without a valid licence. The provincial legislation does not authorize the forfeiture of a driver's vehicle.

Prince Edward Island has a remedial program which applies in several different situations. *Criminal Code* impaired driving offenders must complete the Driver Rehabilitation Program prior to licence reinstatement. The treatment of repeat offenders is more varied. Higher-risk offenders can be referred to Addiction Services, which administers assessment and treatment as required. Drivers convicted of dangerous driving, manslaughter, dangerous driving causing bodily harm or death, criminal negligence causing bodily harm or death, or failing to stop at the scene of an accident are suspended for 12 months under the demerit point program, and must then complete the Driver Improvement Program. In addition to these specific programs, the Registrar has

authority to require any applicant or licensed driver to have a medical examination to determine if he or she is physically and mentally competent to drive.

# QUÉBEC

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**SYNOPSIS:** Québec scored well for its minimum driving age, police enforcement powers, Standard Field Sobriety Testing, and alcohol interlock program, and relatively well for its remedial programs. It scored poorly on its lack of restrictions on drivers in stage two of the graduated licensing program and its vehicle impoundment program. In addition, it needs to introduce a 90-day administrative licence suspension, a short-term administrative licence suspension, a 24-hour suspension for unfitness, and vehicle forfeiture.

**GRADE AND RANKING:** Québec received a C and ranked ninth in the *2006 Report*, down six places from the *2003 Report*.

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## LICENSING:

The minimum age of licensed driving in Québec is 16. Québec has a graduated licensing program, but it does not have any high-speed roadway, passenger or time-of-day restrictions. The minimum length of the program is two years and eight months for drivers under 25, and only eight months for drivers over 25, during which learner and probationary drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

Québec does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years.

Québec has a demerit point system, and learners and probationary drivers are subject to lower point thresholds than fully-licensed drivers.

## POLICE ENFORCEMENT POWERS:

The police have explicit statutory authority to demand that any driver stop his or her vehicle and to demand that drivers produce their licence.

If the police reasonably suspect that a driver has any alcohol in his or her body, they have explicit statutory authority to require the driver to submit to a physical coordination test in order to determine whether to demand a breath sample for analysis on an approved instrument under the *Criminal Code*.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

## LICENCE SUSPENSIONS AND REVOCATIONS:

Québec legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

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The police in Québec are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. Indeed, provincial legislation does not even provide for a 24-hour suspension.

The general administrative licence suspension in Québec is only 30 days, not 90 as it is in ten other jurisdictions. If the police determine, based on a breath analysis on an approved instrument, that a driver has a BAC above .08%, they must issue him or her a 30-day licence suspension. Similarly, they may issue a 30-day suspension to a driver who refuses to provide a sample. The police are not required to forward the driver's licence to the Société de l'assurance automobile du Québec (SAAQ). A second .08% BAC violation results in a 90-day administrative licence suspension.

### **VEHICLE AND REMEDIAL PROGRAMS:**

Drivers convicted of a *Criminal Code* impaired driving offence can apply for a restricted licence if they voluntarily participate in the province's interlock program. A restricted licence, which requires the driver to use an interlock, reduces the provincial cancellation or suspension to the longer of the *Criminal Code* minimum driving prohibition or any court-imposed prohibition order. If the SAAQ is not satisfied that the driver can drive safely at the end of this period, it can issue him or her a driver's licence which continues the interlock requirement. Impaired driving offenders who did not apply or were ineligible for the voluntary program and early licence reinstatement must nevertheless participate in the interlock program as a condition of licence reinstatement when their provincial licence cancellation ends. This interlock requirement is one year for first offenders, two years for second offenders, and three years for third or subsequent offenders. However, this condition does not apply to first offenders who satisfy the SAAQ, based on a summary alcohol assessment, that they can drive safely.

The police have authority to seize and impound a vehicle for 30 days if they have reasonable grounds to believe that the driver is unlicensed, or that the driver's licence has been suspended or cancelled due to: (i) a *Criminal Code* offence or an accumulation of demerit points; (ii) a 30-day or 90-day administrative suspension based on a driver's BAC or failure to provide a sample; (iii) the SAAQ's concerns about a driver's medical fitness to drive; or (iv) a driver's failure to comply with the interlock program requirements. Québec legislation does not authorize the forfeiture of a driver's vehicle.

A driver whose licence is cancelled for a federal impaired driving offence must complete a remedial program before licence reinstatement. First offenders must successfully complete an educational program that is designed to inform drivers of the problems associated with alcohol and drug use. Second and subsequent offenders are required to undergo a comprehensive assessment and establish that they are able to drive safely. The SAAQ also has statutory authority to require drivers to undergo an examination, which can include an assessment for alcohol or drug addiction. If the examination shows that the driver's alcohol use prevents him or her from driving safely, the SAAQ can issue him or her a driver's licence that is subject to an interlock requirement.

## SASKATCHEWAN

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**SYNOPSIS:** Saskatchewan scored well on its 90-day administrative licence suspension, and relatively well on its Standard Field Sobriety Testing and short-term administrative licence suspension. It scored poorly for its police enforcement powers. In addition, it needs to introduce a 24-hour suspension for unfitness, strengthen its vehicle impoundment and remedial programs, and introduce vehicle forfeiture.

**GRADE AND RANKING:** Saskatchewan received a B- and ranked fifth in the *2006 Report*, down one place from the *2003 Report*.

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### LICENSING:

The minimum age of licensed driving in Saskatchewan is 15. Saskatchewan has a graduated licensing program which includes passenger restrictions but no time-of-day or high-speed roadway restrictions. The minimum length of the program is two years and three months, during which drivers are subject to a .00% BAC restriction. Supervising drivers must have a BAC below .04%.

Saskatchewan does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

Saskatchewan Government Insurance (SGI) must require new drivers to attend an education or safety seminar if they commit two or more provincial traffic offences, or one serious provincial offence such as careless driving, racing or failing to stop for a police officer. SGI has the power to impose additional administrative sanctions for further violations, including required attendance at driver improvement courses and licence suspensions.

### POLICE ENFORCEMENT POWERS:

Police officers have statutory authority to demand that any driver stop his or her motor vehicle. The police are not given explicit statutory authority to demand that a driver provide documentation.

If the police have reasonable grounds to believe that a driver's BAC exceeds .04%, that a new driver has any alcohol in his or her body, or that a driver's ability to drive is impaired by drugs, they can request that the driver undergo a Standard Field Sobriety Test. If the driver refuses the request or fails the test, his or her licence is suspended for 24 hours.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

### **LICENCE SUSPENSIONS AND REVOCATIONS:**

Saskatchewan legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in Saskatchewan are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, Saskatchewan does have a less comprehensive short-term suspension. The police may request that a driver surrender his or her licence if they have grounds to believe that the driver's BAC exceeds .04%. The request automatically suspends the driver's licence for 24 hours. The police are not required to forward the surrendered licence or a report of the suspension to SGI. If a driver receives a second 24-hour suspension within five years, he or she is automatically suspended for 15 days and must successfully complete the "Driving Without Impairment" course within 90 days. The accumulation of three or more 24-hour suspensions in five years results in an automatic administrative licence suspension of not less than 90 days.

If the police have grounds to believe, by reason of a breath or blood analysis, that a driver's BAC exceeds .08%, they must seize the driver's licence and serve him or her with a "notice of prohibition". They must also take these same steps if they have grounds to believe a driver has failed to provide breath or blood samples without a reasonable excuse. Drivers are able to drive for 7 days on a temporary licence and are then prohibited from driving for 90 days. There are no mandatory consequences for accumulating 90-day prohibitions. However, SGI has a general power to require drivers convicted of certain offences to attend an interview and to suspend the driver's licence. In exercising that power, SGI could consider the driver's record of 90-day prohibitions.

### **VEHICLE AND REMEDIAL PROGRAMS:**

Judges can order a driver convicted of a first *Criminal Code* impaired driving offence to participate in an alcohol interlock program. These offenders may also apply to participate in an interlock program. The offender must first complete an addictions assessment and any recommended remedial program.

The police must seize the vehicle of a driver they have reasonable and probable grounds to believe is unauthorized. The term "unauthorized drivers" includes: (i) drivers who are prohibited or disqualified, or whose licence is suspended; (ii) drivers who have not obtained a new licence following a period of prohibition, disqualification or suspension; (iii) drivers who drive without a required ignition interlock device; and (iv) drivers who are unlicensed and who have been convicted, in the past five years, of driving without a licence. The police must then immobilize or impound the vehicle for 30 days for a first occurrence. Saskatchewan legislation does not authorize the forfeiture of a driver's vehicle.

Saskatchewan has a remedial program which applies in several different situations. First, most driver disqualifications do not automatically cease at the end of the prescribed period. The disqualified driver must complete an addictions assessment and any recommended remedial program, prior to being eligible for a licence. Second, the same mandatory assessment applies to drivers with three or more 24-hour suspensions within five years. Third, new drivers who receive multiple suspensions for violating the

.00% BAC limit must attend an addictions assessment, and complete any recommended remedial program, before their licence will be reinstated. Moreover, SGI has the express power to require any licence applicant or holder to obtain and file a report from an addictions counsellor.

# YUKON

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**SYNOPSIS:** The Yukon scored well for its vehicle impoundment program and relatively well for its alcohol interlock program. It scored poorly for its police enforcement powers, elements of its short-term administrative licence suspension, and its licence abstract and remedial programs. In addition, it needs to introduce a 24-hour suspension for unfitness and introduce vehicle forfeiture.

**GRADE AND RANKING:** The Yukon received a C+ and ranked seventh in the *2006 Report*, down one place from the *2003 Report*.

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## **LICENSING:**

The minimum age of licensed driving in the Yukon is 15. The Yukon has introduced a graduated licensing program which includes passenger and time-of-day restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years. Learner and novice drivers, and their supervising drivers, are subject to a .00% BAC restriction and must not be impaired by drugs. To move from the learner stage to the novice stage, a driver must have driven for at least 50 hours. Ten hours of this supervised driving must have been in winter conditions and ten hours must have been at night.

The Yukon does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or in their first five years of driving.

The Yukon has a demerit point system, under which learners and novice drivers are subject to lower point thresholds.

## **POLICE ENFORCEMENT POWERS:**

The police have no statutory authority to demand that a driver stop his or her vehicle or to demand that a driver provide documentation.

The Yukon does not give the police statutory authority to demand that a driver who they reasonably suspect has alcohol or drugs in his or her body participate in Standard Field Sobriety Testing.

The police do not have authority to demand a breath, blood, saliva, or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash.

## **LICENCE SUSPENSIONS AND REVOCATIONS:**

Yukon legislation does not authorize police to suspend a driver's licence for 24 hours because the driver is unfit to drive for reasons other than alcohol or drug impairment.

The police in the Yukon are not authorized to issue a 7-14 day administrative licence suspension to a driver if they: (i) reasonably believe that his or her ability to drive

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is impaired by alcohol or drugs; or (ii) the driver registers a BAC of .05% or higher on a breath, blood or urine test. However, the Yukon does have a less comprehensive short-term suspension. If the police have grounds to believe that a driver's ability to drive is impaired by alcohol, drugs or another substance, they are authorized to request the surrender of his or her licence. The driver is required to surrender the licence, and the police demand triggers a 24-hour licence suspension. The police do not have to forward the surrendered licence to the Registrar. There are no prescribed consequences for drivers who accumulate 24-hour suspensions. However, the Registrar has the power to report a driver to the Driver Control Board to determine if he or she should continue to hold a licence. The Board has the power to suspend the driver's licence, impose licence conditions, and require remedial education or treatment. As a matter of administrative practice, the Registrar reports drivers who accumulate two or more 24-hour suspensions to the Board.

If the police have grounds to believe, by reason of a breath or blood analysis, that a driver has a BAC above .08%, they are authorized to seize and suspend the driver's licence. They are also authorized to seize and suspend the licence of a driver who has failed to provide breath or blood samples without a reasonable excuse. The driver is able to drive for 14 days under a temporary licence and then is suspended for 90 days. There are no prescribed consequences for accumulating 90-day suspensions. However, the Registrar has broad powers to cancel the licence of a driver who cannot drive safely because of a medical condition and to suspend or cancel a driver's licence for statutory violations. The Registrar can also report a driver to the Driver Control Board to determine if he or she should continue to hold a licence.

#### **VEHICLE AND REMEDIAL PROGRAMS:**

Drivers subject to a mandatory territorial licence disqualification for a *Criminal Code* impaired driving offence can apply, after the minimum federal disqualification period, to have the disqualification lifted if they voluntarily agree to use an interlock. In addition, the Driver Control Board can require drivers who do not volunteer or qualify for the voluntary program to use an interlock as a condition of licence reinstatement following the territorial disqualification. The Board has considerable discretion in terms of the duration of the interlock requirement.

The police may impound a vehicle if they have reasonable grounds to believe that the driver is driving while unlicensed, suspended, disqualified, or uninsured. They may also impound a vehicle if they have reasonable grounds to believe that the driver committed an impaired driving offence or failed to remain at the scene of an accident. The vehicle is impounded for 30 days for a first occurrence. Territorial legislation does not authorize the forfeiture of a driver's vehicle.

Territorial legislation does not make completion of a remedial program a mandatory condition of licence reinstatement for all impaired driving offenders. However, offenders are required to complete any prescribed assessment and remedial programs in order to apply for early revocation of the territorial disqualification. In practice, most repeat offenders will not be issued a new licence unless they complete a government-run alcohol assessment program and the three-day "Driving Without Impairment" course. As indicated, the Registrar has broad powers to cancel the licence of a driver who cannot drive safely because of a medical condition. Both the Registrar

and a judge can report a driver to the Board to determine if he or she should continue to hold a licence. The Board has the power to suspend the driver's licence, impose licence conditions, and require remedial education or treatment.

# LOOKING FORWARD: MADD CANADA'S COMMITMENT TO ONGOING REFORM

MADD Canada is a non-profit, volunteer organization that strives to make our roads safer. MADD Canada's mission is to both assist victims of impaired driving and to reduce the thousands of needless deaths and injuries that it causes each year.

MADD Canada's local chapters are run by volunteers and include mothers, fathers, friends, business professionals, police officers, experts in the impaired driving field, and concerned citizens. They share the common goals of helping victims and preventing impaired driving.

MADD Canada has grown to over 70 chapters from coast to coast, and continues to advocate for changes that will make our roads safer and provide a voice for the victims of this crime. Our comprehensive approach includes advocating for:

- federal and provincial legislative reforms to strengthen impaired driving laws and facilitate effective enforcement;
- increased support for the police, prosecutors and the judiciary;
- increased consistency and thus fairness in the apprehension, prosecution and sentencing of impaired drivers;
- programs to better identify and treat impaired driving offenders who have alcohol or drug problems;
- vehicle sanctions that prevent those who have been drinking from driving, and deny recalcitrant offenders ready access to vehicles;
- education and public awareness initiatives documenting the risk and seriousness of impaired driving; and
- counselling and educational programs for youth on responsible drinking.

MADD Canada is committed to taking action on all fronts to reduce drinking and driving. *Rating The Provinces And Territories: The 2006 Report Card* is a major component of this broad campaign. *The 2006 Report Card* calls on the provinces and territories to take a more active role in the fight against impaired driving. We have identified measures that the provinces or territories can implement immediately to strengthen their existing legislation and make our roads safer for all Canadians.

MADD Canada will be contacting government officials in each province and territory to arrange a meeting to discuss the jurisdiction's legislative reform agenda. We

will be offering our assistance and support to any province or territory that wishes to work with us to strengthen its impaired driving legislation.

MADD Canada will be following up *Rating The Provinces And Territories: The 2006 Report Card* with annual updates, outlining the progress that each jurisdiction has made the preceding year. Work on the next *Report Card* is currently scheduled to begin in 2009.

For further information on MADD Canada and our goals, programs and services, visit our website at [www.madd.ca](http://www.madd.ca) or phone our National Office at 1-800-665-MADD (6233).



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